## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/500,647	SUGAYA, SHIGERU		
Examiner	Art Unit		
LEON ANDREWS	2416		

The MAIL IND DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 24 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1. The reply was filed after a final rejection, but pror to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies. (1) an amendment, affoavir, or other evidence, which places were to condition to addition for aborties. (2) a Notice of Appeal with appeal feet in compliance with 37 CFR 41.31, or (3) a Request for Condition of the Mail of the Appeal of the Appeal of the compliance with 37 CFR 1.14. The reply must be filed within one of the following time periods:  9. The period for reply express 3 months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection.  Examiner Note: If box 1 is checked, check alther box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WIT		LEON ANDREWS	2416			
1. ☑ The repty was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, application in condition for allowance, (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The repty must be filed within one of the following reperiods:  a) ☑ The period for repty exprise 3_months from the mailing date of the final rejection.  b) ☐ The period for repty exprise 3_months from the mailing date of the final rejection.  Examiner Notice if box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS for THE FIRMA REJECTION. See MIPE 705.07(i).  Extensions of them may be obtained under 37 CFR 1.135(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for the most propriate extension fee hards been filed is the date for the filed in period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from (1) the expiration date of the shortened statutory period for repty originally set in the final Office action, (c) as any reduce any example patient term adjustment. See 37 CFR 1.74(b).  NOTICE OF APPEAL.  2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137(c)), to avoid dismissal of the appeal. Since a Notice of Appeal was been filed, any repty must be filed within the time period by filing the Notice of Appeal (a) CFR 4.137(a), or any extension thereof (37 CFR 4.137(c)), to avoid dismissal of the appeal. Since a Notice of Appeal was been filed, any repty must be filed within the time period so filing a brief, will not be entered because (a) ☐ They raise the issue of new matter (see NOTE below);  (b) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  (b) ☐ They are not deemed to place the app	The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress		
application, applicant must timely file one of the following replies: (1) an amendment, afficiavit, or other evidence, which places the application in condition for allowance; (2) a hotice of Appeal (with appeal fee) in compliance with 317 GFR 1.114. The reply must be filed within one of the following time periods:  a) The period for reply expires 3_months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: (fb bx 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY STEED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Excensions of time may be obtained under 37 CFR 1.138(e). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, and the papeal is an advised to the final rejection of the filed of the final rejection, even if timely filed, and the second of the papeal is an advised.  2 The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing he Notice of Appeal and See filed, any reply must be filed within the time period set forth in 37 CFR 41.37(e).  3 The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief	THE REPLY FILED 24 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.					
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of thin rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 706 07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL.  ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (a), be avoid dismissal of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), be avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENOMENTS  In the proposed amendment(s) filed after a final rejection, but prior to the date of filing the Notice of Appeal and the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENOMENTS  ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  (b) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  (c) ☐ They raise new issues of have application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ They raise new issues that would require fu	application, applicant must timely file one of the following rapplication in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affidavit eal (with appeal fee) in compliance	t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request		
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